



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/932,543	09/17/1997	YASUSHI KAWAKURA	1701.39203	5429

7590 03/11/2005

JOSEPH M POTENZA  
BANNER & WITCOFF  
1001 G STREET NW  
WASHINGTON, DC 200014597

EXAMINER
----------

TRAN, HAI V

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 08/932,543	<b>Applicant(s)</b> KAWAKURA ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-30 is/are pending in the application.  
     4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2004 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 12/22/2004 have been fully considered but they are not persuasive.

Applicant argues, "Pinder' s applicable time information does not define a plurality of modes of utilization of the first data and executable time periods of operations respectively corresponding to the plurality of modes of utilizations."

In response, the Examiner respectfully disagrees because Pinder' s element 1919 indicates the number of modes there are for a process of an event wherein each value of an event/element corresponds to a mode (Col. 33, lines 25-45).

Applicant further argues, "Pinder fails to disclose judging if a requested operation is executable, upon a request for operation execution, by reading the applicable time information from the memory and referring to an executable time period corresponding to a mode of utilization indicated by the request to compare with a current time."



Art Unit: 2611

In response, the Examiner respectfully disagrees and cites Pinder's col. 33, lines 19-45 to support, i.e., earliest start field 1923 must compare with the current time of the system in order to start the event according to its earliest start time.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19, 21, 23, 25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant 's Admitted Prior Art (Fig. 1; Specification page 2, lines 18-page 4, lines 5) in view of Pinder et al. (US 6,105,134) and further in view of Oka (US 5,537,591).

Claim 19, admitted Prior Art (Fig. 1) discloses an information utilization apparatus comprising:

A memory 1002 configured to store encoded 1<sup>st</sup> data which defines a plurality of modes of utilization of the 1<sup>st</sup> data; a decoding unit 2006 provided respectively corresponding to the plurality of modes of utilization and configured to decode the 1<sup>st</sup> data stored in the memory 1002; A plurality of processing units 2008, 2010 and 2012 arranged respectively corresponding to the decoding unit 2006 and configured to



Art Unit: 2611

respectively execute operations corresponding to the plurality of modes of utilization using 2<sup>nd</sup> data obtained from decoding the 1<sup>st</sup> data; A judging unit (within a verification unit 2004) configured to judge if a requested operation is executable, upon a request for operation execution (applicant' s specification page 2, lines 18- page 4, lines 5); and An operation command issuing unit (within a verification unit 2004) configured to issue a command for action to a decoding unit corresponding to the mode of utilization indicated by the request when the judging unit judges that the requested operation is executable (applicant's specification page 2, lines 18-page 4, line 5).

Admitted prior Art does not clearly disclose the memory 1002 configured to store applicable time information that defines executable time periods of operations respectively corresponding to the plurality of modes of utilization in which the verification unit 2004 judges, if a requested operation is executable, by reading the applicable time information from the memory and referring to an executable time period corresponding to a mode of utilization indicated by the request to compare with a current time.

Pinder discloses a memory (Fig. 13; Memory 1207, ROM 1219 and non-volatile memory 1209; Col. 21, lines 60-Col. 22, lines 11 and Fig. 19; Col. 33, lines 40-45 stores a delivered piece of encoded data and applicable time information (Col. 33, lines 25-45); a verification unit (Fig. 1, el. 119, and Fig. 3, DHCT) verifies if a requested operation is executable (i.e., mode of a purchase event) by reading the applicable time information from the memory and referring to an executable time



Art Unit: 2611

period corresponding to a mode of utilization indicated by the request to compare with a current time (Col. 33, lines 19-45; i.e., earliest start field 1923 must compare with the current time of the system in order to start the event according to its earliest start time). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art with Pinder so to protect transmitted information against unauthorized access (Col. 1, lines 40-45).

Admitted Prior Art in view of Pinder fails to show a plurality of decoding units that arrange respectively to its corresponding plurality of independently operated processing units 2008, 2010 and 2012.

Oka shows a plurality independently operated processing units (Fig. 1 el. 112, 114, 116 and 118) arranged respectively corresponding to the plurality of decoding units 106, 107, 108 and 109. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art in view of Pinder to have a plurality independently operated processing units arranged respectively corresponding to the plurality of independently operated decoding units, as taught by Oka, so to improve the performance of the system by selectively executing independent task on each independent decoder and processing unit.

Claim 21 is analyzed with respect to claim 19 in which Admitted prior Art in view of Pinder further discloses an operation command reserving unit (within a verification unit 2004) configured to prevent the issuance of the command to the



Art Unit: 2611

decoding unit according to the verified applicable authorization data (Applicant's specification page 2, lines 18-page 4, lines 5).

Claim 23, an information access control method for use in an information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data, the method is analyzed with respect to claim 19.

Claim 25, an information access control method for use in an information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data, the method is analyzed with respect to claim 21.

Claim 27 (plurality decoders), a storage medium having program code instruction store thereon which perform information access control when executed by a processor in an information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data, the instruction is analyzed with respect to claim 19.

Claim 29 (plurality decoders), a storage medium having program code instruction store thereon which perform information access control when executed by a processor in an information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data is analyzed with respect to claim 21.



Art Unit: 2611

2. Claims 20, 22, 24, 26, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant 's Admitted Prior Art (Fig. 1; Specification page 2, lines 18-page 4, lines 5) in view of Pinder et al.(US 6,105,134).

Claim 20. (New) Admitted Prior Art (Fig. 1) discloses an information utilization apparatus comprising:

A memory 1002 configured to store encoded 1<sup>st</sup> data which defines a plurality of modes of utilization of the 1<sup>st</sup> data;

A decoding unit 2006 configured to decode the 1<sup>st</sup> data stored in the memory 1002;

A data storage unit 2050 configured to store 2<sup>nd</sup> data obtained from decoding the 1<sup>st</sup> data 2006; A plurality of processing units 2008, 2010 and 2012 configured to respectively execute operations corresponding to the plurality of modes of utilization using the 2<sup>nd</sup> data stored in the data storage unit 2050;

A judging unit (within a verification unit 2004) configured to judge if a requested operation is executable; and an operation command issuing unit (within a verification unit 2004) configured to issue commands for actions to the decoding unit 2006 and a processing unit 2008, 2010 and 2012 corresponding to the mode of utilization indicated by the request if the 2<sup>nd</sup> data is not stored in the data storage unit (not authorize to decode; therefore, the user could not store the encoded data) and configured to issue a command for action to the processing unit corresponding to the mode of utilization indicated by the request if the 2<sup>nd</sup> data is stored in the data



storage unit when the judging unit judges that the requested operation is executable (Applicant's specification page 2, lines 18-page 4, lines 5).

Admitted Prior Art does not clearly disclose the memory 1002 stores applicable time information that defines executable time periods of operations in which the verification unit 2004 judges, if a requested operation is executable, by reading the applicable time information from the memory and referring to an executable time period corresponding to a mode of utilization indicated by the request to compare with a current time.

Pinder discloses a memory (Fig. 13; Memory 1207, ROM 1219 and non-volatile memory 1209; Col. 21, lines 60-Col. 22, lines 11 and Fig. 19; Col. 33, lines 40-45 stores a delivered piece of encoded data and applicable time information (Col. 33, lines 25-45); a verification unit (Fig. 1, el. 119, and Fig. 3, DHCT) verifies, if a requested operation is executable (i.e., mode of a purchase event), by reading the applicable time information from the memory and referring to an executable time period corresponding to a mode of utilization indicated by the request to compare with a current time (Col. 33, lines 19-45; i.e., earliest start field 1923 must compare with the current time of the system in order to start the event according to its earliest start time).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admitted Prior Art with Pinder so to protect transmitted information against unauthorized access (Col. 1, lines 40-45).



Art Unit: 2611

Claim 22 is analyzed with respect to claim 20 in which Admitted prior Art in view of Pinder further discloses an operation command reserving unit (within a verification unit 2004) configured to prevent the issuance of the command to the decoding unit according to the verified applicable authorization data (Applicant's specification page 2, lines 18-page 4, lines 5).

Claim 24, an information access control method for use in an information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data, the method is analyzed with respect to claim 20.

Claim 26, an information access control method for use in an information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data, the method is analyzed with respect to claim 22.

Claim 28, a storage medium having program code instruction store thereon which perform information access control when executed by a processor in an information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data, the instruction is analyzed with respect to claim 22.

Claim 30, a storage medium having program code instruction store thereon which perform information access control when executed by a processor in an



information utilization apparatus having a memory which stores information including encoded 1<sup>st</sup> data, the instruction is analyzed with respect to claim 22.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
030/03/2005

  
**HAI TRAN**  
**PRIMARY EXAMINER**